

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**RESPONSE TO JOINT MOTION TO FILE AND ADMIT A STIPULATION BETWEEN  
AMEREN TRANSMISSION COMPANY OF ILLINOIS AND THE MORGAN AND  
SANGAMON COUNTIES LANDOWNERS AND TENANT FARMERS**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as "MSSCLPG"), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara & Evans, and for its Response to the Joint Motion (hereinafter referred to as "Joint Motion") to File and Admit a Stipulation (hereinafter referred to as "Stipulation") Between Ameren Transmission Company of Illinois (hereinafter referred to as "ATXI") and the Morgan and Sangamon Counties Landowners and Tenant Farmers (hereinafter referred to as "MSCLTF"), states as follows:

1. MSSCLPG agrees that ATXI filed its original Verified Petition in this matter on November 7, 2012. In further response, MSSCLPG states that ATXI amended its original Petition herein by filing a Motion for Leave to File Amended Landowner List on January 7, 2013. By Notice from the Commission dated January 16, 2013, the Administrative Law Judges herein allowed ATXI's proposed amendment but ruled that ATXI's original Petition should

be considered to have been completely filed “only as of January 7, 2013.” Thus, the expedited timetable by which this matter is bound was reset to have begun elapsing as of January 7, 2013, and not November 7, 2012. Accordingly, if the Joint Motion filed herein by ATXI and MSCLTF is granted, the Administrative Law Judges should act consistently with their January 16, 2013 ruling and reset the timetable as of the effective date of the grant of any order allowing the Stipulation.

2. Pursuant to 220 ILCS 5/8-406.1(a)(1)(B)(viii), ATXI in its initial filing hearing, identified a primary right-of-way and one alternate right-of-way. By the filing of the Joint Motion, ATXI is in essence amending its original Petition once again, substituting as its Primary Route a portion of what had been identified as the Alternate Route, between Meredosia and Pawnee, Illinois.
3. The grant of the Joint Motion and acceptance of the Stipulation herein would be unfair and prejudicial to potential parties that might have reviewed this matter and reached a decision to take no action based upon the allegations as to the Primary Route set forth in the Petition as currently filed. A well informed potential intervenor, having reviewed the Petition as currently filed, very well could have reasonably decided that its interests were/are aligned with those of ATXI as to the Primary Route and not intervened herein. At the very least, the Administrative Law Judges herein should issue an order to protect the public and appropriately advise the public that ATXI is now proposing a different Primary Route between Meredosia and Pawnee, Illinois.
4. Paragraph 7 of the Joint Motion provides as follows, to wit: “ATXI will further address the basis for its support for the Stipulated Route - Meredosia to Pawnee in its forthcoming Rebuttal Testimony.” The Rebuttal Testimony proposed by ATXI is apparently what would

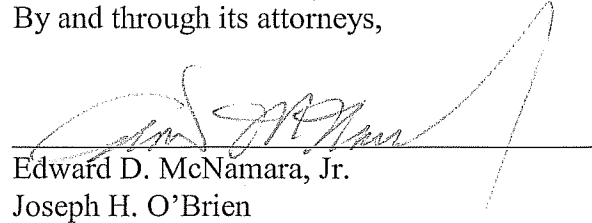
have been Direct Testimony of ATXI had its original Petition declared the Alternate Route between Meredosia and Pawnee, Illinois, to be a part of the Primary Route. One is only left to guess at this time what will be included in such testimony. This places Intervenors herein at an extreme disadvantage, in essence granting ATXI the right to file its Direct Testimony after Intervenors have filed their Direct Testimony.

5. Paragraph 8 of the Joint Motion provides as follows, to wit: "The filing of Stipulation Exhibit 1 will ensure a full, complete and accurate record in this proceeding, supports the Commission policy of encouraging settlement, and will serve the interests of administrative efficiency in that issues otherwise in dispute are resolved by the agreement reflected in Stipulation Exhibit 1." MSSCLPG takes strong exception to the above allegation. To the contrary, a "full, complete and accurate record in this proceeding" will not be furthered by the filing of the Stipulation. As is set forth herein above, potential intervenors have not been advised that their rights will be affected. The Stipulation is not in fact a settlement document, but simply a document seeking to amend the original Petition herein. The Stipulation certainly does not settle the rights of all the various competing parties herein.
6. If ATXI wishes to once again amend its Petition, and file testimony in support thereof, ATXI should file an appropriate motion to amend its Petition and file in support thereof its testimony supporting its new Primary Route between Meredosia and Pawnee, Illinois.
7. The grant of the Joint Motion herein will prejudice the rights of Intervenors herein, as well as potential intervenors, and should be denied.

WHEREFORE, the undersigned respectfully moves that the Joint Motion be denied, or, in the alternative, that the Joint Motion be treated as a motion to amend the Petition herein and that the current Case Management Order previously entered by the Administrative Law Judges be set aside

and new filing dates be set by a new Case Management Order reflecting a timetable beginning with the grant of any order allowing the Stipulation, and for such other and further relief as may be required under the circumstances.

**Respectfully Requested,**  
**Morgan, Sangamon, and Scott Counties**  
**Land Preservation Group,**  
By and through its attorneys,



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Edward D. McNamara, Jr.  
Joseph H. O'Brien

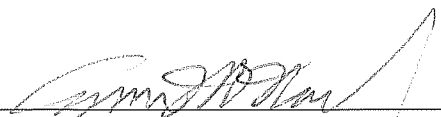
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**VERIFICATION**

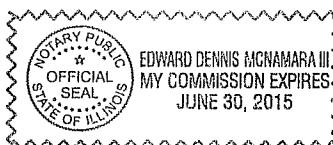
STATE OF ILLINOIS        }  
                                      }SS  
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Response to Joint Motion to File and Admit a Stipulation Between Ameren Transmission Company of Illinois and the Morgan and Sangamon Counties Landowners and Tenant Farmers; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

Subscribed and Sworn to before me  
this 19<sup>th</sup> day of March, 2013.


  
\_\_\_\_\_  
Edward D. McNamara, Jr.

  
\_\_\_\_\_  
Notary Public



**CERTIFICATE OF SERVICE**

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Response to Joint Motion to File and Admit a Stipulation Between Ameren Transmission Company of Illinois and the Morgan and Sangamon Counties Landowners and Tenant Farmers on the individuals shown on the attached Service List, via electronic mail, on March 19, 2013.

  
\_\_\_\_\_  
Edward D. McNamara, Jr.

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